

**CITY OF MOUNTAIN VIEW
FINDINGS REPORT/ZONING PERMIT**

Page 1 of 22

APPLICATION NO.:

260-14-PCZA

DATE OF FINDINGS:

EXPIRATION OF ZONING PERMIT:

THIS DOCUMENT REPRESENTS THE ZONING PERMIT RECEIVED FOR THE SUBJECT SITE. THIS DOCUMENT DOES NOT WAIVE THE REQUIREMENT FOR SUBSEQUENT CITY APPROVALS AS APPLICABLE, INCLUDING, BUT NOT LIMITED TO, BUILDING PERMITS, EXCAVATION PERMITS, ETC.

Applicant's Name:

Lennar Homes of California, Inc.

Street Address of Property:

Assessor's Parcel No.:

Zone:

Mora Drive

**148-33-009, 148-33-010, 148-33-011,
148-33-012, 148-33-013, 148-33-014,
148-33-018, 148-33-019, 148-33-020,
148-33-021, 148-33-022, 148-33-023,
148-33-024, 148-33-025, 148-33-026,
and 148-33-029**

P-31

Request:

Request for a Planned Community Permit and Planned Unit Development Permit to demolish 15 existing industrial buildings (on 17 existing parcels) in order to construct 75 attached and detached rowhomes, a Heritage Tree Removal Permit for the removal of 15 Heritage trees, and dedication of a new 0.45-acre public park on a 5.13-acre total project site.

APPROVED ☐

CONDITIONALLY ☐
APPROVED

DISAPPROVED ☐

CONTINUED ☐

OTHER ☐

******ZONING ADMINISTRATOR RECOMMENDATION TO CITY COUNCIL******

The Planned Community Permit and Planned Unit Development Permit to demolish 15 existing industrial buildings (on 17 existing parcels) in order to construct 75 attached and detached rowhomes, is conditionally approved based upon the conditions contained herein and upon the following findings:

- A. The proposed use or development is consistent with the provisions of the P-31 Mora-Ortega Precise Plan; the proposal clearly demonstrates superior site and building design and compatibility with surrounding uses and developments since it meets the principles and objectives of the Mora-Ortega Precise Plan by proposing rowhome development and assembly of parcels which is supported by the Mora-Ortega Precise Plan; the project's three-story massing is consistent with surrounding development; and the dedication of a 0.45-acre public park;
- B. The proposed use and development is consistent with the Medium Density Land Use Designation of the General Plan by proposing a density and a residential use allowed within the Medium Density Land Use Designation;
- C. The proposed uses and development will not be detrimental to the public interest, health, safety, convenience, or welfare because the use, site plan, and architecture are compatible with surrounding uses and development because mitigations for noise, air quality, and volatile organic compounds (VOCs) contaminated groundwater-vapor protections will be integrated into the units; a large open area will provide recreation and gathering space for

☐ Owner

☐ Agent

☐ File

☐ Fire

☐ Public Works

residents; design of the driveway will support emergency vehicle access; and pedestrian pathways throughout the site will support walkable connections within the neighborhood;

- D. The proposed project promotes a well-designed development that is harmonious with existing and planned development in the surrounding area because the project conforms with the P-31 Mora-Ortega Precise Plan and the design standards of the Rowhouse Guidelines, as well as the density and uses permitted by the General Plan; the units facing Ortega Avenue are consistent with the scale and character of the existing street; the project provides sufficient setbacks with surrounding development; highly visible facades have attractive wall-plane variation and architectural treatments; roofs are varied to break up the appearance of long buildings; and guest parking spaces will reduce the on-street parking impact; and
- E. The approval of the Planned Community Permit for the proposed project complies with the California Environmental Quality Act (CEQA) because an Initial Study and Mitigated Negative Declaration has been prepared and circulated for public review.

The Heritage Tree Removal Permit to remove 15 Heritage trees (Tree No. 3 (cabbage palm), Tree No. 4 (holly oak), Tree No. 5 (southern magnolia), Tree No. 14 (holly oak), Tree No. 15 (holly oak), Tree No. 17 (Coast live oak), Tree No. 18 (holly oak), Tree No. 26 (sweetgum), Tree No. 31 (Coast live oak), Tree No. 36 (Coast live oak), Tree No. 40 (evergreen pear), Tree No. 43 (Mexican palm), Tree No. 48 (camphor), Tree No. 50 (glossy privet), and Tree No. 55 (glossy privet)) is conditionally approved based on the conditions contained herein and the following findings:

- A. It is appropriate and necessary to remove the trees due to the condition of the trees with respect to age of the trees relative to the life span of that particular species, disease, infestation, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, and interference with utility services and based on the arborist reports from Arborwell dated January 31, 2014 and April 17, 2015..
- B. It is appropriate and necessary to remove the trees in order to construct the improvements and/or allow reasonable and conforming use of the property when compared to other similarly situated properties because of the location and health of the trees.
- C. It is appropriate and necessary to remove the trees based on the nature and qualities of the trees as Heritage trees, including maturity, aesthetic qualities such as its canopy, shape and structure, majestic stature, and visual impact on the neighborhood.
- D. It is appropriate and necessary to remove the trees to implement good forestry practices such as, but not limited to, the number of healthy trees a given parcel of land will support, the planned removal of any tree nearing the end of its life cycle, and replacement with young trees to enhance the overall health of the urban forest.
- E. Removal of the trees will not adversely affect the topography of the land or create soil erosion through diversion or increase flow of surface waters.
- F. Removal of the trees will not adversely affect the remaining number, species, size, and/or location of existing trees on the site or in the general vicinity.
- G. Removal of the trees will not adversely affect the shade, noise attenuation, protection from wind damage and air pollution, historic value, or scenic beauty of the area, nor shall the removal adversely affect the general health, safety, prosperity, and general welfare of the City as a whole.
- H. The approval of the Heritage Tree Removal Permit for the removal of 15 Heritage trees complies with the California Environmental Quality Act (CEQA) because an Initial Study and Mitigated Negative Declaration has been prepared and circulated for public review.

This approval is granted to construct a 75-unit attached and detached rowhouse residential project located on Assessor Parcel No. 148-33-009, 148-33-010, 148-33-011, 148-33-012, 148-33-013, 148-33-014, 148-33-018, 148-33-019, 148-33-020, 148-

33-021, 148-33-022, 148-33-023, 148-33-024, 148-33-025, 148-33-026, and 148-33-029. Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein:

- a. Project drawings prepared by KTG Group, Inc., for Lennar Homes of California dated May 11, 2015, and consisting of 95 sheets.
- b. Color and materials board prepared by KTG Group, Inc., for Lennar Homes of California and kept on file in the Planning Division of the Community Development Department.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Community Development Department – (650) 903-6306

1. **APPLICABILITY OF THIS PERMIT:** This Permit shall apply to any business entity whose use and operational characteristics match those of the approved use. Intensification of the approved use shall require an amendment to this Permit. A change to a different permitted use shall require a new Permit.
2. **EXPIRATION:** If the approved use does not commence within two years of this approval, subject to all applicable conditions and permits from applicable government agencies, this approval shall be null and void.

PLANS AND SUBMITTAL REQUIREMENTS

3. **ZONING INFORMATION:** The following information must be listed on the lower right-hand corner of the title sheet of the building permit drawings: (a) zoning permit application number; (b) zoning designation; (c) floor area ratio (or density in units per acre if residential); (d) lot area (in square feet); and (e) total number of parking spaces.
4. **CERTIFICATION OF BUILDING PERMIT PLANS:** The project architect shall certify in writing that the architectural design shown in the building permit plans match the plans approved by the City Council/Zoning Administrator. Any changes must be clearly noted. The project architect shall also certify that the structural plans are consistent with the architectural plans. In the event of a discrepancy between the structural plans and the architectural plans, the architectural plans shall take precedence, and revised structural drawings shall be submitted to the Building Inspection Division.
5. **REVISIONS TO THE APPROVED PROJECT:** Minor revisions to the approved plans shall require approval by the Zoning Administrator. Major modifications as determined by the Zoning Administrator shall require a public hearing, which can be referred to City Council.
6. **PLANNING INSPECTION:** Inspection(s) by the Planning Division are required for the foundation, framing, application of exterior materials, and final completion of the units to ensure that the construction matches the approved plans.
7. **COLOR CHIPS:** Color chips shall be attached to the title sheet of two sets of the building permit drawings and the color scheme shall be shown on the elevations.

SITE DEVELOPMENT AND BUILDING DESIGN

8. **EXTERIOR MATERIALS:** High-quality materials and finishes shall be used throughout the project and shall remain in compliance with the materials identified in the approved plans, except as modified by the conditions of approval herein. Details regarding all color and architectural details shall be provided in the building permit plan submittal and shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
9. **TRIM MATERIALS:** Trim materials throughout the project shall be wood or high-density foam trim. Details of the specific placement and utilization of the trim materials shall be provided with the building permit drawings.

Final trim design details shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.

10. **SPECIAL PAVING MATERIALS:** The color, material, design, and product specifications for the special paving materials used on-site shall be submitted with the building permit drawings. Final paving design details shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
11. **WINDOWS:** Manufacturer type, design, material, and installation details for all windows within the project shall be specified for each unit in the building permit drawings for review and approval by the Zoning Administrator prior to the issuance of building permits.
12. **COLOR SCHEME:** The applicant shall paint a small portion of the building with the proposed color scheme for inspection. The color(s) shall not be considered approved until after inspection and approval by the Zoning Administrator.
13. **COLOR AND MATERIALS:** Color and materials of the proposed addition are to be shown on permit drawings to match the existing structure.
14. **FENCE/WALL:** All fencing and walls are to be shown on construction plans submitted for building permit review and shall not exceed 6' in height, measured from adjacent grade to the top of the fence or wall. The design and location must be approved by the Zoning Administrator and comply with all setback requirements.
15. **PARKING SPACE DESIGN:** All parking spaces (except parallel spaces) must be double-striped. Double stripes shall be 12" apart, from outside edge to outside edge of the stripe. The 8-1/2' parking space width is measured from the center of one double stripe to the other, such that the space between stripes is 7-1/2'. For parallel parking spaces, only single-striped is required. Single stripes shall be measured from interior edge to interior edge of the stripe, such that the space between stripes is 24'.
16. **LIGHTING PLAN:** The applicant shall submit a lighting plan with the application for building permit. This plan should include photometric contours, manufacturer's specifications on the fixtures, and mounting heights. The design and location of outdoor lighting fixtures shall ensure there will be no glare and light spillover to surrounding properties. The lighting plan submitted with building permit drawings must be approved by the Zoning Administrator prior to building permit submittal.

GREEN BUILDING AND SUSTAINABILITY MEASURES

17. **GREEN BUILDING – RESIDENTIAL NEW CONSTRUCTION:** The project is required to meet the mandatory measures of the California Green Building Standards Code and meet the intent of 100 GreenPoint Rated points. All mandatory prerequisite points and minimum point totals per category to attain GreenPoint Rated status must be achieved, unless specific point substitutions or exceptions are approved by the Community Development Department. Formal project registration and certification through Build It Green is not required for compliance with the Mountain View Green Building Code (MVGBC). The project is also required to comply with Title 24, Part 6.

LANDSCAPING

18. **LANDSCAPING:** Detailed landscape plans encompassing on- and off-site plantable areas out to the curb must be included in the Building Inspection Division application. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon for shrubs, and 24" box for trees. The drawings must be approved by the Zoning Administrator prior to building permit issuance and implemented prior to occupancy. All plans should be prepared by a licensed Landscape Architect and should comply with the City's Landscape Guidelines, including the Water Conservation in Landscaping Regulations.
19. **CERTIFICATION:** Prior to occupancy, the Landscape Architect shall certify in writing the landscaping has been

installed in accordance with all aspects of the approved landscape plans, subject to final approval by the Zoning Administrator.

20. **STREET TREE:** The applicant shall complete the "Proposed Street Tree" form available in the Planning Division. Once completed, the applicant shall return the original to the Parks Division, located at 235 North Whisman Road.
21. **ARBORIST REPORT:** A qualified arborist shall provide written instructions for the care of Tree No. 69 (Coast live oak) before, during, and after construction. Arborist's reports shall be received by the Planning Division and must be approved prior to issuance of building permits. Prior to occupancy, the arborist shall certify in writing that all tree preservation measures have been implemented.
22. **LANDSCAPE SCREENING:** All utility meters, lines, transformers, backflow preventers, etc., on-site or off-site, must be shown on all site plan drawings and landscape plan drawings. All such facilities shall be located so as to not interfere with landscape material growth and shall be screened in a manner which respects the building design and setback requirements.
23. **IMPLEMENTATION:** Permits to remove, relocate, or otherwise alter Heritage trees cannot be implemented until a project building permit is secured and the project is pursued.

HERITAGE TREES

24. **REPLACEMENT:** The applicant shall offset the loss of each Heritage tree with a total of 30 replacement trees. Each replacement tree shall be no smaller than 24" box and shall be noted on the landscape plan as Heritage replacement trees.
25. **TREE PROTECTION MEASURES:** The tree protection measures listed in the arborist's report prepared by Arborwell and dated April 17, 2015 shall be included as notes on the title sheet of all grading and landscape plans. These measures shall include, but may not be limited to, 6' chain link fencing at the drip line, a continuous maintenance and care program, and protective grading techniques. Also, no materials may be stored within the drip line of any tree on the project site.

NOISE

26. **CONSTRUCTION NOISE REDUCTION:** The following noise reduction measures shall be incorporated into construction plans and contractor specifications to reduce the impact of temporary construction-related noise on nearby properties: (a) comply with manufacturer's muffler requirements on all construction equipment engines; (b) turn off construction equipment when not in use, where applicable; (c) locate stationary equipment as far as practical from receiving properties; (d) use temporary sound barriers or sound curtains around loud stationary equipment if the other noise reduction methods are not effective or possible; and (e) shroud or shield impact tools and use electric-powered rather than diesel-powered construction equipment.
27. **SITE-SPECIFIC BUILDING ACOUSTICAL ANALYSIS:** A qualified acoustical consultant will review final site plans, building elevations, and floor plans prior to construction to calculate expected interior noise levels as required by State noise regulations. Project-specific acoustical analyses are required by the California Building Code to confirm that the design results in interior noise levels reduced to 45 dB(A)L_{dn} or lower. The specific determination of what noise insulation treatments are necessary will be completed on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans, and approved prior to issuance of a building permit. Building sound insulation requirements will include the provision of forced-air mechanical ventilation for all residential units as recommended by the qualified acoustical consultant, so that windows can be kept closed at the occupant's discretion to control noise.

Special building techniques (e.g., sound-rated windows and building facade treatments) will be implemented as recommended by the qualified acoustical consultant, to maintain interior noise levels at or below acceptable levels.

These treatments will include, but are not limited to, sound-rated windows and doors, sound-rated wall construction, acoustical caulking, protected ventilation openings, etc.

CONSTRUCTION PRACTICES AND NOTICING

28. **WORK HOURS:** No work shall commence on the job site prior to 7:00 a.m. nor continue later than 6:00 p.m., Monday through Friday, nor shall any work be permitted on Saturday or Sunday or any holiday unless prior approval is granted by the Chief Building Official. At the discretion of the Chief Building Official, the general contractor or the developer may be required to erect a sign at a prominent location on the construction site to advise subcontractor and material suppliers of the working hours. Violation of this condition of approval may be subject to the penalties outlined in Section 8.6 of the City Code and/or suspension of building permits.
29. **PARKING MANAGEMENT PLAN:** The applicant shall prepare a construction parking management plan to address parking demands and impacts during the construction phase of the project. The construction parking management plan shall be subject to review and approval by the Zoning Administrator prior to the issuance of building permits.
30. **NOTICE OF CONSTRUCTION:** The applicant shall notify neighbors within 300' of the project site of the construction schedule in writing, prior to construction. A copy of the notice and the mailing list shall be submitted prior to issuance of building permits.
31. **DISTURBANCE COORDINATOR:** The project applicant shall designate a "disturbance coordinator" who will be responsible for responding to any local complaints regarding construction noise. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site.
32. **AIR QUALITY:** The applicant will be required to secure a permit from the Bay Area Air Quality Management District or provide written assurance that no permit is required prior to issuance of a building permit.
33. **BASIC AIR QUALITY CONSTRUCTION MEASURES:** The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust emissions. Emission reduction measures will include, at a minimum, the following measures. Additional measures may be identified by the BAAQMD or contractor as appropriate, such as: (a) all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day; (b) all haul trucks transporting soil, sand, or other loose material off-site will be covered; (c) all visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; (d) all vehicle speeds on unpaved roads will be limited to 15 mph; (e) all roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used; and (f) post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The BAAQMD's phone number will also be visible to ensure compliance with applicable regulations.
34. **DISCOVERY OF ARCHAEOLOGICAL RESOURCES:** If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, it is recommended that all work within 100' of the find be halted until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert-flaked stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil ("midden") containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment

plan that could include site avoidance, capping, or data recovery.

35. **DISCOVERY OF HUMAN REMAINS:** In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50' radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his/her authority, he/she shall notify the Native American Heritage Commission, which shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. A final report shall be submitted to the City's Community Development Director prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results, including a description of the monitoring and testing resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Community Development Director.
36. **DISCOVERY OF PALEONTOLOGICAL RESOURCES:** In the event that a fossil is discovered during construction of the project, excavations within 50' of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.
37. **PRECONSTRUCTION NESTING BIRD SURVEY:** To the extent practicable, vegetation removal and construction activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If construction or vegetation removal cannot be performed during this period, preconstruction surveys will be performed no more than two days prior to construction activities to locate any active nests as follows:
- The applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 500' for active nests—with particular emphasis on nests of migratory birds—if construction (including site preparation) will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the project applicant, in coordination with the appropriate City staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100' for perching birds and 300' for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.

TECHNICAL REPORTS

38. **GEOTECHNICAL REPORT:** The applicant shall have a design-level geotechnical investigation prepared which includes recommendations to address and mitigate geologic hazards in accordance with the specifications of California Geological Survey (CGS) Special Publication 117, *Guidelines for Evaluating and Mitigating Seismic Hazards*, and the requirements of the Seismic Hazards Mapping Act. The report will be submitted to the City prior to the issuance of building permits, and the recommendations made in the geotechnical report will be implemented as part of the project. Recommendations may include considerations for design of permanent below-grade walls to resist static lateral earth pressures, lateral pressures caused by seismic activity, and traffic loads; method for backdraining walls to prevent the buildup of hydrostatic pressure; considerations for design of excavation shoring system; excavation monitoring; and seismic design.

CC&Rs

39. **CC&Rs:** Four copies of the proposed Covenants, Conditions, and Restrictions (CC&Rs) for the homeowners

association shall be submitted to the Planning Division and approved by the City Attorney prior to building permit issuance. The applicant shall attach a completed CC&R checklist to the CC&Rs upon submittal. The checklist can be obtained in the Planning Division.

40. **MASTER PLAN:** The applicant shall prepare a master plan which establishes rules for modifications or additions of any building structures at this site, including fences, trellises, sunshades, and accessory buildings, as well as modifications to principal buildings. These rules shall be consistent with the provisions of the R3 Zoning District and shall be approved by the Zoning Administrator. The Covenants, Conditions, and Restrictions (CC&Rs) shall specifically state that the master plan establishes the rules for additions/modifications to the complex and that changes to the master plan require approval by the Zoning Administrator. Two copies of the final master plan shall be submitted to the Planning Division to remain on file.
41. **GARAGES:** Garages are to be used for resident parking only. Storage is permitted so long as it does not prevent use of garage for required vehicle parking.
42. **PROJECT INFORMATION:** All marketing and sales literature, leasing information, and the Covenants, Conditions, and Restrictions (CC&Rs) for the complex shall clearly state that this project is complete as built and that no further expansions to the building structures are permitted without Planning Division approval. Any revisions to the project would require a separate application to the City by the homeowners association and would need to establish rules for all units in the complex.

LEGAL AGREEMENTS

43. **BMR FOR SALE, IN-LIEU:** Prior to issuance of building permits, the applicant shall enter into written agreements with the City of Mountain View that will require the applicant to pay a Below-Market-Rate (BMR) Housing In-Lieu Fee to the City of Mountain View consistent with Sections 36.80 through 36.89 of the City Code and the Below-Market-Rate Housing Program Administrative Guidelines and Directives. The in-lieu fee payment shall be 3 percent of the actual gross sales price of each unit and shall be paid upon the close of escrow for each unit.
44. **BMR, PROCESS:** Following project approval, the applicant shall submit the following information to the Administrative and Neighborhood Services Manager in the Community Development Department, (650) 903-6379: (a) a copy of the first page of the Findings Report; (b) a copy of the page from the Findings Report that contains the Below-Market-Rate (BMR) condition; and (c) a legal description of the property.

At the time of submittal for building permits, the applicant shall contact the Administrative and Neighborhood Services Manager, (650) 903-6379, and a BMR agreement will be prepared for the project. Before building permits can be issued, the BMR agreement must be signed by the developer, and a 10 percent deposit of the required BMR fees must be paid to the City.

45. **NOTICE OF DEVELOPMENT RESTRICTIONS:** A Notice of Development Restrictions indicating the related development permit conditions that are to be completed with the development of the property is required for all planned developments and common-interest developments. The notice shall be in a form approved by the Planning Division and City Attorney's Office and shall be signed and notarized by the subdivider. The approved and executed Notice of Development Restrictions must be recorded on the land of the subdivision before the approval of the parcel or final map.
46. **INDEMNITY AGREEMENT:** Prior to the issuance of any building permits, the applicant shall agree, in writing, to defend, indemnify, and hold harmless the City and its officers, agents, and employees in any action brought by a third party to void this Planned Community Permit. The agreement shall be in a form satisfactory to the City Attorney and Zoning Administrator. It shall run with the land and shall not be amended without prior City consent.

MITIGATION MEASURES

47. **MM AQ-1.1:** The following mitigation measures shall be implemented during all phases of construction on the project site to prevent visible dust emissions from leaving the site:
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
48. **MM AQ-1.2:** Construction, grading, trenching, and demolition equipment shall be selected to minimize emissions. The equipment selection shall include the following criteria:
- All diesel-powered off-road equipment larger than 50 horsepower and operating on the project site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards Tier 4 engines or equivalent;
 - The number of hours that equipment will operate shall be minimized, including the use of idling restrictions.
49. **MM HAZ-1.1:** A Pesticide Mitigation Plan shall be prepared for DTSC's review and written approval; the Pesticide Mitigation Plan will provide a summary of all available pesticide and metal data, determine if an appropriate number of samples were analyzed to adequately characterize the topsoil, and evaluate the potential risk to human health in a residential scenario using a 10-6 cancer risk level, and shall use the lower of the U.S. EPA residential screening levels to interpret the 10-6 cancer risk level. The Pesticide Mitigation Plan shall provide for appropriate mitigation, if any, to reasonably protect residential users. DTSC's written approval of the Pesticide Mitigation Plan shall be provided to the City.
50. **MM HAZ-2.1:** The project developer and subsequent property owners shall cooperate with DTSC for the ongoing remediation/monitoring activities at the project site. The site shall be developed in a manner that will allow access for continued remediation and monitoring activities by DTSC. The locations of future groundwater monitoring wells and other remediation infrastructure shall be incorporated into the development plans.
51. **MM HAZ-2.2:** The developer shall comply with requirements of DTSC and record a Covenant and Environmental Restriction on the property (deed restriction) in accordance with the requirements of California Civil Code Section 1471. The deed restriction will prohibit extraction of groundwater for purposes other than monitoring or remediation.
52. **MM HAZ-2.3:** The City of Mountain View shall comply with the requirements of DTSC to provide access to install, maintain, and eventually remove groundwater monitoring wells and equipment on the 0.45-acre parcel that will be dedicated to the City for use as a public park.
53. **MM HAZ-2.4:** During demolition at the Plessey site, an Environmental Professional shall be present on a full-time

basis to observe soil conditions, to monitor vapors with a handheld meter, and to determine if additional soil sampling is needed, based on visual and monitoring results.

54. **MM HAZ-2.5:** Contaminant concentrations consisting mainly of VOCs remain in the soil at concentrations that exceed established cleanup levels at the Plessey site. Contaminated soil shall be appropriately disposed off-site and confirmation samples shall be collected following DTSC guidance. If contaminant concentrations in the confirmation samples exceed residential screening levels, the soil shall be remediated to the lower of then-current restrictions or a land use covenant shall detail the location of these soils. This document shall include a map of the impacted soils, shall restrict future excavation in these areas, and shall require future excavation be conducted in these areas only upon written approval by the DTSC and in accordance with a Site Management Plan (SMP). The SMP shall be submitted to the City and the Santa Clara County Department of Environmental Health for review and approval.
55. **MM HAZ-2.6:** Contaminant concentrations associated with the 0.45-acre parcel that would be developed into a public park shall not exceed residential screening levels or any level that would preclude the use of the parcel as a public park. An SMP shall be prepared by the developer's Environmental Professional for the 0.45-acre public park parcel that presents specific postremediation protocols for the park construction, operation, and ongoing maintenance of the facility. Written approval of the SMP by the DTSC shall be issued to the City. The developer's Environmental Professional shall assist in the implementation of the SMP and shall perform part-time to full-time observation services during construction of the park.
56. **MM HAZ-3.1:** The developer shall complete a Vapor Intrusion Investigation Work Plan. This plan shall include soil vapor sampling in the areas of concern. The developer shall then prepare a Vapor Intrusion Mitigation Plan (VIMP) that reflects the results of the investigation and implement the VIMP, including any long-term operation and maintenance. The VIMP shall use a 10-6 cancer risk level and shall use the U.S. EPA residential screening levels to interpret the 10-6 cancer risk level. The developer shall provide DTSC's written approval on the Investigation Work Plan and the VIMP to the City.
57. **MM HAZ-3.2:** The developer shall install vapor intrusion mitigation systems beneath all buildings to effectively eliminate vapor intrusion. The mitigation system shall either be an active or passive sub-slab depressurization system. The developer shall also provide measures in the VIMP to confirm the vapor intrusion mitigation system works as designed. The developer shall provide financial assurances of adequate funds for long-term operation and maintenance, if required by the VIMP.
58. **MM HAZ-4.1:** During building demolition at the Symtron properties, an Environmental Professional shall be present on the project site to observe soil conditions, to monitor vapors with a handheld meter, and to determine if additional soil sampling should be performed, based on visual and monitoring results.
59. **MM HAZ-4.2:** If concentrations of contaminants of potential concern are detected at the Symtron properties that exceed the lower of the then-current RWQCB or U.S. EPA residential screening levels, the soil shall be appropriately disposed of off-site and confirmation samples shall be collected following DTSC guidance. If contaminant concentrations in the confirmation samples exceed residential screening levels, written approval shall be obtained from the DTSC to leave impacted soil in place or the soil shall be remediated to the lower of the then-current RWQCB or U.S. EPA residential screening levels. If the soil is left in place, a deed restriction or land use covenant shall detail the location of these soils. This document shall include a map of the impacted soils, shall restrict future excavation in these areas, and shall require future excavation to be conducted in these areas only upon written approval by the DTSC and in accordance with a SMP.
60. **MM HAZ-5.1:** The developer shall evaluate the extent of soil excavation activities and/or identify other mitigation measures that may be necessary for redevelopment of the site. A site redevelopment report addressing this recommendation shall be submitted to DTSC and the City for review and comment.
61. **MM HAZ-6.1:** A Health and Safety Plan (HSP) shall be developed to establish appropriate protocols for working in contaminated materials. Workers conducting site investigation and earthwork activities in areas of

contamination shall complete a 40-hour HAZWOPER training course (29 CFR 1910.120 (e)), including respirator and personal protective equipment training. Each contractor will be responsible for the health and safety of their employees as well as for compliance with all applicable Federal, State, and local laws and guidelines. This document shall be provided to the City and DTSC.

62. **MM HAZ-6.2:** An SMP shall be developed to establish management practices for handling contaminated soil, soil vapor, groundwater, or other materials during construction and for operation and maintenance of the entire project site. These documents shall be provided to the DTSC for review and written approval; its measures shall be incorporated into the project design documents. Written approval of the SMP by the DTSC shall be issued to the City. The developer's Environmental Professional shall assist in the implementation of the SMP and shall perform full-time observation services during demolition, excavation, grading, and trenching activities. The SMP shall include the protocols, means, and methods to implement the following, as appropriate:

- Site control procedures shall be described to control the flow of personnel, vehicles, and materials in and out of the project site.
- Prior to the start of any construction activity that involves belowground work (e.g., mass grading, foundation construction, excavating, or utility trenching), information regarding site risk management procedures (e.g., a copy of the SMP) will be provided to the contractors for their review, and each contractor shall provide such information to its subcontractors.
- Measures shall be described to minimize dust generation, stormwater runoff, and tracking of soil off-site.
- Demolition activities shall be performed in a manner to minimize airborne dust.
- If excavation dewatering is required, protocols shall be prepared to evaluate water quality and discharge/disposal alternatives. The pumped water shall not be used for on-site dust control or any other on-site use. If long-term dewatering is required, the means and methods to extract, treat, and dispose of groundwater also shall be presented.
- Protocols for conducting earthwork activities in areas where impacted soil, soil vapor, and/or groundwater are present or suspected shall be provided. Worker training requirements, health and safety measures, and soil handling procedures shall be described.
- Decontamination procedures shall be established and implemented by the contractor to reduce the potential for construction equipment and vehicles to release contaminated soil onto public roadways or other off-site transfer.
- Perimeter air monitoring shall be conducted at the site during any activity that significantly disturbs site soil (e.g., mass grading, foundation construction, excavating, or utility trenching) to document the effectiveness of dust control measures and the presence of VOCs.
- Protocols to be implemented if buried structures, wells, debris, or unidentified areas of impacted soil are encountered during site development activities.
- Protocols shall be prepared to characterize/profile soil suspected of being contaminated so that appropriate mitigation, disposal, or reuse alternatives, if necessary, can be implemented. Soil in contact with groundwater shall be assumed contaminated. All soil excavated and transported from this site shall be appropriately disposed of at a permitted facility.
- Stockpiling protocols shall be developed for "clean" and "impacted" soil.
- Procedures shall be developed to evaluate and document the quality of any soil imported to the site. Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals shall not be accepted.
- Methods to monitor excavations and trenches for the potential presence of VOC impacted vapors shall be identified.
- Methods to mitigate for vapor intrusion of VOC vapors into the planned buildings shall be discussed in a Vapor Intrusion Mitigation Plan to be submitted by the developer.
- Protocols shall be presented to evaluate if the residual contaminants will adversely impact the integrity of belowground utility lines and/or structures (e.g., the potential for corrosion due to subsurface contamination), which shall also be incorporated into the project design documents.
- Appropriate measures shall be implemented to reduce soil vapor and groundwater migration through trench backfill and utility conduits. Such measures shall include placement of low-permeability backfill "plugs" at specified intervals on the project site and at all locations where the utility trenches extend off-site. Utility

conduits that are placed below groundwater shall be installed with watertight fittings to reduce the potential for groundwater to migrate into the conduits. These measures shall be incorporated into the project design.

- Because the site is known to have pollutants with the potential for mobilization, the Civil Engineer shall design the bottom and sides of the vegetated swales and water features (if incorporated into the building design) to be lined with a minimum 10-mil heavy-duty plastic to help prevent site infiltration.

Upon completion of construction activities, the Environmental Professional shall prepare a report documenting compliance with the SMP. The report shall contain a summary of: (1) vapor monitoring; (2) perimeter air monitoring; (3) soil and groundwater sampling and associated analytical testing; (4) the sources, quantity, and quality of imported soils; (5) the installation of the vapor barrier system; and (6) variances to the SMP. This report shall be submitted to the DTSC. Written approval of the completion of the report by the DTSC shall be provided to the City prior to obtaining building occupancy permits.

63. **MM HAZ-6.3:** An SMP shall be prepared by the developer's Environmental Professional for the 0.45-acre public park parcel that presents specific postremediation protocols for the park construction, operation, and ongoing maintenance of the facility. Written approval of the SMP by the DTSC shall be issued to the City. The developer's Environmental Professional shall assist in the implementation of the SMP and shall perform part-time to full-time observation services during construction of the park.

64. **MM HAZ-7.1:** The proposed project shall implement the following mitigation measures to reduce hazardous materials impacts related to ACMs and lead-based paint to a less-than-significant level:

In conformance with local, State, and Federal laws, an asbestos building survey and a lead-based paint survey shall be completed by a qualified professional to determine the presence of ACMs and/or lead-based paint on the structures proposed for demolition. The surveys shall be completed prior to work beginning on these structures.

A registered asbestos abatement contractor shall be retained to remove and dispose of all potentially friable asbestos-containing materials, in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, prior to building demolition. All construction activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than 1 percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.

A facility closure inspection shall be completed for Photo-Graphics (2274 Mora Drive) and Simon Printing (2276 Mora Drive) by the City's Fire and Environmental Protection Division prior to issuance of a demolition permit.

65. **MM NOI-1.1:** Building sound insulation requirements will include the provision of forced-air mechanical ventilation for all residential units adjacent to Ortega Drive, so that windows could be kept closed at the occupant's discretion to control noise.
66. **MM NOI-2.1:** Mechanical equipment shall be designed so as to minimize noise on multi-family residential uses north and south of the project buildings and on single-family residences east of the project. Noise-generating equipment shall be located on the western or interior portions of the buildings, or acoustical shielding of the equipment from adjacent residential uses shall be provided. If rooftop-mounted equipment is used, measures to reduce noise shall be included, such as rooftop screens or perimeter parapet walls, noise control baffles, sound attenuators, or enclosures. An acoustical specialist shall review the mechanical equipment plans prior to construction to confirm the Mora/Ortega Precise Plan operational noise limits would be met at adjacent residential uses.

67. **MM UTL-1.1:** The project would construct new sanitary sewer laterals to an existing 8" public sanitary sewer main located in Ortega Avenue or pay a fair-share contribution to the City for upsizing pipelines in the system to achieve appropriate hydraulic capacity.

Public Works Department – (650) 903-6311

RIGHTS-OF-WAY

68. **STREET DEDICATION AND VACATION:** The project requires a reconfiguration of Mora Drive, dedication of a new public street easement, and vacation of the existing street easements. A new 56' wide public street and additional bioretention treatment area shall be dedicated in easement on the final map and accepted by the City subject to improvement. The existing street easements shall also be vacated on the final map, and the applicant shall acquire the vacated street easement from the City per the terms of the executed purchase and sale agreement.
69. **PUBLIC ACCESS EASEMENT:** Dedicate public access easements across the following areas to provide bicycle and pedestrian access from Ortega Avenue to a future connection with College Avenue: (1) private streets on parcels D, E, F, G, and K; (2) sidewalk on the north side of "E" Street; and (3) common areas on Parcels H and M.

Parcel M shall be dedicated to public use for the construction, use, and maintenance of bicycle and pedestrian facilities for the future connection with College Avenue. It shall be kept open and free from trees and structures, with the exception of the existing oak tree to remain and three new bioretention treatment areas limited by the location and dimensions as shown on the approved improvement plans. The bioretention areas shall not be allowed to change in location or dimensions without prior written approval from the Public Works Director.

70. **WATER METER EASEMENT:** Dedicate 3' wide water meter easements on-site for the public water meters banks.

FEES

71. **WATER AND SEWER CAPACITY FEES:** This project will be subject to new water and sewer capacity fees being implemented by the City. On April 8, 2014, the City Council authorized the amendment of Chapters 28 and 35 of the City Code requiring development projects pay capacity fees, if applicable, prior to approval of any parcel/tract map **approved on or after** July 1, 2015, or prior to issuance of any building permits **issued on or after** July 1, 2015. The applicant shall pay applicable water and sewer capacity fees as required. An informational handout on these fees can be found on the City's website at:
<http://mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=14212>

The April 8, 2014 Council report can be viewed at the following location:

<https://mountainview.legistar.com/LegislationDetail.aspx?ID=1694006&GUID=3B26F71F-FD13-4830-9705-6C9EDC48D254>

Contact the Public Works Department at (650) 903-6311 for any questions related to these fees.

72. **PARK LAND DEDICATION:** Dedicate a perpetual easement and an irrevocable offer of dedication to the City for the purpose of a public park in accordance with Chapter 41 of the City Code for the development prior to the issuance of the final map. The City shall have full and free rights to design and construct the park, to allow the public to use the park in accordance with the City Code, and to enter the park at any time for maintenance and other related activities. These provisions shall be stated in the Covenants, Conditions, and Restrictions (CC&Rs).

Prior to the approval of the final map, the applicant shall: (1) provide a written report to disclose all known hazardous materials and contaminants on the park site to the City; (2) provide written approval by the Department of Toxic Substance Control (DTSC) for the use of the site as a public park; (3) prepare and implement a Site Management Plan with specific protocols for the park construction, operation, and ongoing maintenance that must be reviewed and approved by the DTSC; (4) be responsible for removing or remediating hazardous material and contaminants found on the site, including any hazardous materials and contaminants found during construction of

the park improvements, so that the site is suitable for use as an open space park site; and (5) agree to protect, indemnify, and hold harmless City, its directors, officers, employees, and agents from and against any environmental liability related to applicant's actions at the property, and any and all claims, demands, judgments, settlements, damages, actions, causes of action, injuries, administrative orders, consent agreements and orders, liabilities, losses, penalties, and costs, including, but not limited to, any clean-up costs, remediation costs, and response costs, and all expenses of any kind whatsoever, including reasonable attorneys' fees and expenses, including, but not limited to, those arising out of loss of life; injury to persons, property, or business; or damage to natural resources in connection with the activities of applicant, its predecessors-in-interest, third parties who have trespassed on the premises, or parties in a contractual relationship with applicant and any of them, the foregoing being collectively referred to as "claims" which:

- a. Arise out of the actual, alleged, or threatened mitigation, spill, leaching, pouring, emptying, injection, discharge, dispersal, release, storage, treatment, generation, disposal, or escape of any hazardous substances onto or from the premises; or
- b. Actually or allegedly arise out of or in connection with the premises, the use, specification, or inclusion of any product, material, or process containing hazardous substances; the failure to detect the existence or proportion of hazardous substances in the soil, air, surface water, or groundwater; or the performance of or failure to perform the abatement of any hazardous substances source or the replacement or removal of any soil, water, surface water, or groundwater containing any hazardous substances; or
- c. Arise out of the breach of any covenant, warranty, or representation contained in any statement or other information given by applicant to City in connection with environmental matters; or
- d. Arise out of any enforcement or remedial action or any judicial or administrative action brought pursuant to any environmental law.

Applicant, its successors, and assigns shall bear, pay, and discharge when and as the same become due and payable, any and all such judgments or claims for damages, penalties, or otherwise against City, as provided in this section, shall hold City harmless for those judgments or claims, and shall assume the burden and expense of defending all suits, administrative proceedings, and negotiations of any description with any and all persons, political subdivisions, or government agencies.

73. **CC&Rs, PUBLIC PARK:** The City's full and free rights to the easement for the purpose of a public park shall be stated within the Covenants, Conditions, and Restrictions (CC&Rs). Submit a copy of the CC&Rs with this provision highlighted to the Public Works Department for review and approval.

PUBLIC AND COMMON STREET IMPROVEMENTS

74. **PUBLIC AND COMMON IMPROVEMENTS:** Install or reconstruct standard public improvements that are required for the subdivision and as required by Chapters 27 and 28 of the Mountain View City Code. The public improvements on Ortega Avenue and Mora Drive include, but are not limited to: new curb, gutter, and sidewalk; new streetlights; landscaping and irrigation; sanitary sewer and water connections; C.3 stormwater area for the new public street; storm drainage facilities; and undergrounding of overhead utility lines and services. The on-site common improvements include, but are not limited to: private street; underground water, sewer, and storm utilities; C.3 stormwater treatment areas; and private open spaces.

- a. **IMPROVEMENT AGREEMENT:** The property owner must sign a Public Works Department improvement agreement for the installation of the public and common improvements prior to the approval of the final map. Sign a Public Works Department faithful performance bond (100 percent) and materials/labor bond (100 percent) or provide cash deposit (100 percent) or provide a letter of credit (150 percent) securing the installation and warranty of the off-site and on-site common improvements in a form approved by the City Attorney's Office. The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury's Listing of Approved Sureties on Federal Bonds, Department Circular 570. This

list of approved sureties is available through the Internet at <http://www.fms.treas.gov/c570/index.html>. The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury's Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security deposits are available at the Public Works Department.

- b. **INSURANCE:** Provide a certificate of insurance and endorsement naming the City an additional insured from the entity that will sign the improvement agreement prior to the approval of the final map. The insurance coverage amounts are a minimum of One Million Dollars (\$1,000,000) Commercial General Liability, Automobile Liability, and Workers' Compensation. The insurance requirements are available from the Public Works Department.
75. **PUBLIC IMPROVEMENT PLANS:** Prepare public improvement plans in accordance with Chapter 28 of the City Code, the City's Standard Design Criteria, and the conditions of approval of the subdivision. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The plans shall be stamped by a registered civil engineer and shall show all public improvements and other applicable work within the public right-of-way. A traffic control plan indicating the work areas, delineators, signs, and other traffic control measures is required for work that impacts traffic on an existing street. Improvement plans (nine sets), construction cost estimate, and copy of the current preliminary title report or property deed must be submitted together as a separate package concurrent with the first submittal of the building plans. The improvement plans must be approved and signed by the Public Works Department. After the plans have been signed by the Public Works Department, 10 black-line sets, 1 Xerox Mylar (4 mil) set of the plans, and CD with CAD file and PDF must be submitted to the Public Works Department prior to the approval of the final map.
76. **COMMON IMPROVEMENT PLANS:** Prepare on-site common improvement plans consisting of the proposed demolition, fill, grading, retaining walls, drainage, private streets, common driveways, common utilities, public utilities, and other applicable improvements in accordance with Chapter 28 of the City Code, the Standard Design Criteria for Common Green and Townhouse-Type Condominiums, and the conditions of approval of the subdivision. The plans are to be drawn on 24"x36" sheets at a minimum scale of 1" = 20'. The improvement plans (nine sets) and completed infrastructure data form must be submitted together as a separate package concurrent with the first submittal of the building plans. The improvement plans must be approved and signed by the Public Works Department. After the improvement plans have been signed by the Public Works Department, 10 black-line sets, 1 Xerox Mylar (4 mil) set of the plans, and CD with CAD file and PDF must be submitted to the Public Works Department prior to the approval of the final map. Where both public and common improvement plans are required, the plans shall be combined into one set of plans.
77. **INFRASTRUCTURE QUANTITIES:** Submit a construction cost estimate form indicating the quantities of the public and private common street and utility improvements with the submittal of the improvement plans. The construction cost estimate is used to estimate the cost of public and private common street and utility improvements and to determine the Public Works plan check and inspection fees.
78. **PARKING RESTRICTION:** Parking shall be prohibited within the common driveways, excluding approved guest parking, as the parking would obstruct the use of the driveway. These parking prohibitions shall be stated within the CC&Rs. A copy of the CC&Rs with this provision highlighted shall be submitted to the Public Works Department. The common driveway shall be signed and/or striped as "No Parking" or "No Parking – Fire Lane."
79. **ENCROACHMENT RESTRICTIONS:** Private steps, fences, and retaining walls shall not encroach into the public right-of-way.
80. **SPECIAL PAVERS AND CONCRETE:** Pavers, colored concrete, or textured concrete will not be allowed within the public street or sidewalk.
81. **CORNER SIGHT TRIANGLE:** At street corners of uncontrolled intersections, no sign over 3' in height shall be located within a vehicle sight triangle formed by measuring 35' along the front and side property lines.

82. **NEW STREETLIGHTS:** To replace the existing streetlights removed with the reconfiguration of Mora Drive, new streetlights shall be installed at the new intersection of Mora Drive and Ortega Avenue and at the end of the new public street.
83. **STORMWATER TREATMENT FOR PUBLIC STREET:** As part of the street easement dedication, a bioretention area shall be provided for C.3 stormwater treatment of the new public street. The bioretention area shall be designed in accordance with the City's "Stormwater Quality Guidelines for Development Projects," maintain 1' minimum horizontal clearance from back of sidewalk to the top of bank, and include waterproofing protection for the public sidewalk and street.

UTILITIES

84. **WATER AND SEWER SERVICE:** New water services and sanitary sewer laterals shall be installed for each residential unit in accordance with City Code Section 35.38. The existing services have outlived their useful life and must be abandoned per City standards.
85. **UTILITY MAINTENANCE PLAN:** On-site water, sanitary sewer, and storm drainage facilities shall be privately maintained. CC&Rs shall include a provision that the homeowners association prepare a private utility maintenance plan for the on-site water, sanitary sewer, and storm drainage facilities. The maintenance plan shall include such elements as flushing of the sanitary sewer and storm lines, cleaning of storm drain inlets and grates, and inspection of the water system (including flushing and exercising of valves and blowoffs). CC&Rs shall also include a provision that the homeowners association prepare a sanitary sewer overflow plan, which includes elements such as 24-hour contact information, response times, confinement, and methods to contain and remediate spills.
86. **SEPARATE FIRE SERVICE:** Domestic water and fire services shall have separate lines connected to the City's water main, except when supplying NFPA 13D fire sprinkler systems as approved by the City Fire Protection Engineer. On-site fire lines, post indicator valves, Fire Department connections, and detector checks also require approval from the City's Fire Protection Engineer.
87. **SEPARATE IRRIGATION SERVICE AND METER:** A separate water service and water meter for irrigation will be required. The existing water service may be adequate to serve multiple meters, depending on size, and would require advance approval from the Public Works Director.
88. **WATER AND SEWER APPLICATIONS:** Prior to the issuance of the building permit, complete applications for water and sewer service if new water services, water meters, fire services, or sewer laterals are required. Any unpaid water and sanitary sewer fees must also be paid.
89. **FIRE HYDRANT:** Install a new fire hydrant on the new public street near the intersection of Ortega Avenue to replace the existing hydrant removed with the reconfiguration of Mora Drive.
90. **UTILITY SERVICES:** The size and location of all existing and new water meters, backflow preventers, water services, fire services, sewer laterals, sewer cleanouts, gate valves, and utility mains are to be shown on the plans. Sewer laterals, water services, and fire services shall have a minimum 5' horizontal separation from each other. Existing water services shall be shown to be disconnected and plugged at the main. Water services 4" or larger shall be plugged at the main by removing the gate valve and installing a blind flange and thrust block at the tee. Existing sanitary sewer laterals and storm connections shall be abandoned, and existing face-of-curb drains shall be removed.
91. **BACKFLOW PREVENTER:** An aboveground reduced-pressure backflow preventer is required for the irrigation service. Backflow preventers shall be located directly behind the water meter or as reasonably close as possible at a location preapproved by the Public Services Division and screened from view with landscaping.
92. **PROTECTION FROM CONTAMINANTS:** Appropriate mitigation measures shall be implemented to reduce soil

vapor and groundwater migration through trench backfill and utility conduits. Such measures shall include, but are not limited to: (1) placement of low-permeability backfill “plugs” at specified intervals on-site and at all locations where the utility trenches extend off-site; and (2) installation of watertight fittings on utility conduits that are placed below the groundwater table.

93. **UNDERGROUND SERVICES:** All new and existing electric, telephone, and cable television services serving the site are to be placed underground (including transformers). The undergrounding is to be completed prior to issuance of a Certificate of Occupancy for any new buildings within the site.
94. **JOINT UTILITY PLANS:** Submit joint utility plans showing the location of the proposed electric, gas, telephone, and cable television conduits and vaults. These plans shall be combined and made a part of the improvement plans. Dedicate utility easements that are necessary for the common utility on the final map.

SIDEWALKS AND DRIVEWAYS

95. **ADA RAMP REQUIREMENTS:** All access ramps shall comply with the Americans with Disabilities Act (ADA) requirements.
96. **SIDEWALK IMPROVEMENTS:** New driveways, curb, gutter, and sidewalk shall be installed along the project frontage on Mora Drive. The sidewalk shall be 6’ wide adjacent to the public park to match the existing sidewalk at Towne Circle and 5’ wide adjacent to Lot 1 to match with the existing sidewalk to the south on Mora Drive.

TRASH AND RECYCLING

97. **RECOLOGY MOUNTAIN VIEW:** Recology Mountain View is the City’s exclusive hauler for recycling and disposal of construction and demolition debris. For all debris boxes, contact Recology. Using another hauler may violate Mountain View City Code Sections 16.13 and 16.17 and result in Code Enforcement action.
98. **CONSTRUCTION AND DEMOLITION ORDINANCE:** This project must comply with the City’s Construction and Demolition Ordinance (Mountain View City Code Chapter 16, Article III).
99. **TRASH AND RECYCLING COLLECTION:** The following requirements shall be met for trash and recycling collection:
- a. The drive aisles for trash and recycling collection vehicles must be 20’ wide minimum and have a minimum turning radius of 41’ free of all building overhangs and tree canopy. The required vertical clearance is minimum 14’6” along travelway.
 - b. Trash/recycling carts for the units along “G” Street (Lots 9 and 10) shall be placed on “E” Street for collection.

STREET TREES

100. **STREET TREES:** Install standard City street trees where there are gaps in the spacing of the existing street trees.
101. **STREET TREE LOCATION:** The location of existing trees to remain, existing trees to be removed, and new street trees shall be shown on the grading, utility, and landscaping plans. New street trees are to be planted a minimum of 10’ from sanitary sewer lines and 5’ from water lines, fire lines, and driveways in accordance with Detail F-1 of the Standard Provisions. New street tree species must be selected from the City’s official street tree list and as approved by the City’s Parks and Open Space Division per Proposed Street Tree Form (CD-51).
102. **STREET TREE IRRIGATION:** Street trees are to be irrigated by the property owner in accordance with Chapter 32 of the City Code.

GRADING AND DRAINAGE IMPROVEMENTS (ON-SITE)

103. **SURFACE WATER RELEASE:** Provide a surface stormwater release for the lots, driveways, and private streets that prevents the buildings from being flooded in the event the storm drainage system becomes blocked or obstructed.
104. **LOT DRAINAGE:** Each residential lot shall be designed to drain toward the street or common areas. The drainage system for the privately owned lots shall be designed such that the drainage system does not cross the common property lines unless an exception is approved by the Public Works Department due to unavoidable circumstances (such as to provide drainage to an existing Heritage tree).

MISCELLANEOUS

105. **SOIL AND GROUNDWATER CONTAMINATION:** The development is in an area of known soil and groundwater contamination. The applicant is responsible for working with the Department of Toxic Substance Control (DTSC), the lead regulatory agency, to obtain the appropriate clearances and/or permits for work in the contaminated area. The developer shall prepare and implement a site management plan, which must be approved by the DTSC, to establish management practices for handling contaminated soil, soil vapor, groundwater, or other materials during construction and for operation and maintenance of the entire project site, including the public park. The developer shall notify the contractors of known hazardous conditions on the project site to allow such contractors to prepare/follow appropriate worker health and safety plans.
106. **EXISTING GROUNDWATER MONITORING WELLS:** The locations of on-site groundwater monitoring and extraction wells associated with the DTSC remedial activities shall be shown on the plans. If the development requires the relocation of wells, the applicant shall obtain the required approvals from the DTSC and Santa Clara Valley Water District (SCVWD). Wells intended to remain shall be protected in place and maintained in a manner that complies with SCVWD requirements and applicable State laws.
107. **CONSTRUCTION PLAN:** Submit a construction plan with the building plans showing the following: (1) truck route for construction and delivery trucks that does not include neighborhood residential streets; (2) construction phasing; and (3) on-site locations for staging, storing construction vehicles, equipment area, construction trailer, and worker parking. The public streets shall not be used for any construction-related activities, including parking for workers and storage of vehicles.
108. **WELL QUESTIONNAIRE:** Complete a Santa Clara Valley Water District well questionnaire and return it to the Public Works Department. Well questionnaire forms are available from the Public Works Department. All existing wells shall be shown on the site plans as to remain or be sealed in accordance with the Santa Clara Valley Water District standards.
109. **STREET CLEANING:** The owner/developer shall comply with, and the off-site and grading drainage and utility plans shall include, a general note as follows: "The prime contractor or developer is to hire a street cleaning contractor to clean up dirt and debris from City streets that are attributable to the development's construction activities. The street cleaning contractor is to have the capability of sweeping the streets with both a broom-type sweeper and a regenerative air vacuum sweeper, as directed by the Public Works Director, or his/her designated representative."
110. **OCCUPANCY RELEASE:** For residential developments, no residential units will be released for occupancy unless the improvements to be constructed to City standards and/or to be accepted for maintenance by the City, including water meters and sanitary sewer cleanouts, are substantially complete per the City of Mountain View Standard Provisions for Public Works construction. For phased developments, portions of the units may be released for occupancy, at the City's sole discretion, provided that all public and private improvements, conditions of approval, and Building Code requirements that are necessary to support the units to be released for occupancy have been completed as determined by the City. When all of the improvements are complete and/or ready for acceptance for maintenance by the City Council, the remaining units may be released for occupancy, provided that

all other conditions of approval and Building Code requirements have been met. The Public Works Director shall make the determination of what public improvements are substantially complete.

111. **PRELIMINARY TITLE REPORT:** Submit a current preliminary title report or land deed indicating the exact name of the current legal owners of the property, their type of ownership (individual, partnership, corporation, etc.), and legal description of the property involved to the Public Works Department. This information is required for the preparation of Public Works agreements and documents.
112. **SUBDIVISION:** This site plan is a subdivision of an existing parcel(s). Any combination or division of land for purpose of sale, lease, or financing requires the filing and approval of a preliminary parcel or tentative map, completion of all conditions of subdivision approval, and the recordation of the parcel or final map, all prior to issuance of the building permit. In order to place the approval of a final map on the Council agenda, all related materials must be completed and approved 40 calendar days prior to the Council meeting.

Building Inspection Division – (650) 903-6313

113. **BUILDING PERMITS:** A building permit is required for this project. This review by the Building Inspection Division is preliminary and only attempting to identify critical or significant code concerns. Building plan check review will be part of a separate permit application process that can be applied for once the Planning approvals have been obtained and the 10-day appeal period has passed. Submit complete sets of construction drawings at the Building Counter. Please refer to the Building Inspection Division's current "Submittal Requirements" for document submittal requirements. No construction work can be commenced without an appropriate building permit and no new occupancy shall commence without a Certificate of Occupancy. Please contact the Building Inspection Division for submittal requirements at (650) 903-6313.
114. **BUILDING CODES:** Construction plans will need to meet the current codes adopted by the Building Inspection Division upon submittal. Current codes are the 2013 California Codes: Building, Fire, Electrical, Mechanical, Plumbing, CALGreen, and Mountain View Green Building Code.
115. **ACCESSIBILITY:** Project will be required to comply with the accessibility requirements in the 2013 CBC, Chapter 11A, and CRC R320.
116. **ADDRESSES:** All street names, street numbers, and residential apartment numbers will be processed prior to the Building Inspection Division approval of the project. Commercial suite numbers are issued by the United States Post Office.
117. **FIRE SPRINKLERS:** All proposed plans for new dwellings submitted after January 1, 2011 will be required to install a fire sprinkler system regardless of size.
118. **PEDESTRIAN PROTECTION:** Public sidewalks are required to remain open during the course of construction. Please provide sufficient information at the time of plan submittal to show how pedestrians will be protected per 2013 CBC, Section 3306.
119. **PLAYGROUND EQUIPMENT:** A building permit will be required for all playground equipment in the common areas. Third-party inspection by a certified playground safety inspector is required before final inspection.
120. **SEPARATION:** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted, 2013 CBC, Section 406.3.4.
121. **SURVEY:** A survey will be required to be completed to verify structure placement.

Fire Department – (650) 903-6343

FIRE PROTECTION SYSTEMS AND EQUIPMENT

122. **RESIDENTIAL FIRE SPRINKLER SYSTEM:** Provide an approved automatic fire sprinkler system designed in accordance with NFPA 13D (2013 Edition) and Mountain View Fire Department specifications. Call the Building Inspection Division at (650) 903-6313 for a copy of specifications and submittal requirements. (California Residential Code, Section R313.)
123. **FIRE HYDRANTS:** Hydrants in accordance with the Department of Public Works Standard Provisions shall be located every 300'.
124. **SMOKE ALARMS:** All residential occupancies shall be provided with California State Fire Marshal-listed smoke alarms. Smoke alarms shall be installed in accordance with the California Building Code and the approved manufacturer's instructions. (California Fire Code, Section 907.)

FIRE DEPARTMENT ACCESS

125. **FIRE APPARATUS ACCESS ROADS:** Access roads shall have 13'6" unobstructed vertical clearance, 20' of unobstructed width (26' where building occupied floors exceed 30' height), and minimum turning radii of 21' (inside turning radius). Unobstructed width shall mean a clear travelway, excluding parking width, and designed for an emergency vehicle weight of 70,000 pounds. Unobstructed width shall not include the width of rolled curbs, sidewalks, or nondrivable surfaces. (California Fire Code, Section 503, and Mountain View City Code, Sections 14.10.17, 14.10.18.)
126. **FIRE APPARATUS TURNAROUNDS:** Dead-end fire apparatus access roads in excess of 150' in length shall be provided with approved provisions for the turning around of apparatus. "Approved provisions" shall mean that turnarounds, in accordance with Mountain View Fire Department specifications, are provided in locations such that fire apparatus shall never be more than 150' away from the closest turnaround. Call the Building Inspection Division at (650) 903-6313 for specifications. (California Fire Code, Section 503.)
127. **FIRE LANE MARKING:** "NO PARKING—FIRE LANE" signs shall be posted along fire lanes and curbs shall be painted red with the words: NO PARKING—FIRE LANE stenciled in white on the top and side of the curb. Call the Building Inspection Division at (650) 903-6313 for specifications and application. (California Fire Code, Section 503.)
128. **ALL-WEATHER FIRE APPARATUS ACCESS ROADS:** Prior to combustible construction, an all-weather access road capable of supporting emergency vehicles (70,000 pounds) shall be constructed to allow access within 150' of every portion of the project. Access roads shall have 13'6" overhead clearance, 20' of unobstructed width, and 21' inside turning radius. (California Fire Code, Section 503.)

EGRESS AND FIRE SAFETY

129. **ON-SITE DRAWINGS:** Submit two (2) 8.5"x11" plot plan drawings according to Fire Department specifications prior to final Certificate of Occupancy.

EXTERIOR IMPROVEMENTS

130. **PREMISES IDENTIFICATION:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Address signs shall be a minimum of 6" in height. (Mountain View City Code, Section 14.10.20.)

OTHER

131. **EMERGENCY ESCAPE OPENING ACCESS:** Provide clear space and ladder pads at ground level for emergency escape opening access in R and I-1 occupancies. Ladder pads shall be accessible by fire crews with a three-section, 12' long ladder. Awnings and window shades shall be designed to not interfere with ladder access. (California Building Code, Section 1029.)

Fire and Environmental Protection Division – (650) 903-6378

URBAN RUNOFF

For more information, guidelines, design criteria, or materials about urban runoff conditions, contact the Fire and Environmental Protection Division of the Fire Department at (650) 903-6378. "Stormwater Quality Guidelines for Development Projects" can also be accessed at the following link to the Fire Department website:

http://www.mountainview.gov/city_hall/fire/programs_n_services/environmental_safety.asp

132. **STATE OF CALIFORNIA CONSTRUCTION GENERAL STORMWATER PERMIT:** A "Notice of Intent" (NOI) and "Stormwater Pollution Prevention Plan" (SWPPP) shall be prepared for construction projects disturbing one (1) acre or more of land. Proof of coverage under the State General Construction Activity Stormwater Permit shall be attached to the building plans.
133. **CONSTRUCTION SEDIMENT AND EROSION CONTROL PLAN:** The applicant shall submit a written plan acceptable to the City which shows controls that will be used at the site to minimize sediment runoff and erosion during storm events. The plan should include installation of the following items where appropriate: (a) silt fences around the site perimeter; (b) gravel bags surrounding catch basins; (c) filter fabric over catch basins; (d) covering of exposed stockpiles; (e) concrete washout areas; (f) stabilized rock/gravel driveways at points of egress from the site; and (g) vegetation, hydroseeding, or other soil stabilization methods for high-erosion areas. The plan should also include routine street sweeping and storm drain catch basin cleaning.
134. **ENGINEERED DRAWINGS:** Treatment systems and/or porous pavement, pavers, and other uncompacted surfaces require engineered drawings.
135. **LANDSCAPE DESIGN:** Landscape design shall minimize runoff and promote surface filtration. Examples include: (a) no steep slopes exceeding 10 percent; (b) using mulches in planter areas without ground cover to avoid sedimentation runoff; (c) installing plants with low water requirements; and (d) installing appropriate plants for the location in accordance with appropriate climate zones. Identify which practices will be used in the building plan submittal.
136. **EFFICIENT IRRIGATION:** Common areas shall employ efficient irrigation to avoid excess irrigation runoff. Examples include: (a) setting irrigation timers to avoid runoff by splitting irrigations into several short cycles; (b) employing multi-programmable irrigation controllers; (c) employing rain shutoff devices to prevent irrigation after significant precipitation; (d) use of drip irrigations for all planter areas which have a shrub density that will cause excessive spray interference of an overhead system; and (e) use of flow reducers to mitigate broken heads next to sidewalks, streets, and driveways. Identify which practices will be used in the building plan submittal.
137. **PRIVATE STREET MAINTENANCE:** For residential projects with private streets, the following ongoing maintenance shall be provided: (a) private streets shall be swept at least four times per year; (b) private storm drain inlets shall be cleaned at least once per year prior to October 15; and (c) common area trash management and litter control. Attach a copy of the contract or maintenance agreement identifying the name, address, and phone number of the party carrying out these maintenance activities.
138. **PRIVATE STORM DRAIN INLET STENCILING:** For residential subdivisions with private streets, storm drain inlets shall be labeled in accordance with the City's storm drain inlet label program ("No Dumping, Flows to Bay").

139. **STORMWATER TREATMENT (C.3):** This project will create or replace more than ten thousand (10,000) square feet of impervious surface; therefore, stormwater runoff shall be directed to approved permanent treatment controls as described in the City's guidance document entitled, "Stormwater Quality Guidelines for Development Projects." The City's guidelines also describe the requirement to select Low-Impact Development (LID) types of stormwater treatment controls; the types of projects that are exempt from this requirement; and the Infeasibility and Special Projects exemptions from the LID requirement.

The "Stormwater Quality Guidelines for Development Projects" document requires applicants to submit a Stormwater Management Plan, including information such as the type, location, and sizing calculations of the treatment controls that will be installed. Include three stamped and signed copies of the Final Stormwater Management Plan with the building plan submittal. The Stormwater Management Plan must include a stamped and signed certification by a qualified Engineer, stating that the Stormwater Management Plan complies with the City's guidelines and the State NPDES Permit. Stormwater treatment controls required under this condition may be required to enter into a formal recorded Maintenance Agreement with the City.

Provide the additional information listed below in the Stormwater Management Plan. The Stormwater Management Plan is a separate document that is required to be submitted with the building plan submittal.

- Provide details showing how runoff will drain into each proposed biotreatment area. The plans indicate curb cuts, reverse curb pipes, and shallow drain inlets. Due to concerns that the 4" curb pipes will clog, consider an alternative design for the inlet, such as a curb-cut draining to a shallow drain inlet.

140. **STORMWATER MANAGEMENT PLAN—THIRD-PARTY ENGINEER'S CERTIFICATION:** The Final Stormwater Management Plan must be certified by a qualified third-party engineer that the proposed stormwater treatment controls comply with the City's Guidelines and Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP). A list of qualified engineers is available at the following link: <http://www.scvurppp-w2k.com/consultants2012.htm>

NOTE: The applicant shall file a tentative map for approval and recordation in accordance with the approved Planned Community (PC) Permit, the City Code, and the State Map Act. The permit authorizing approval of the PC Permit is conditioned upon obtaining an approved tentative map. Failure to obtain an approved subdivision shall render the PC Permit invalid.

NOTE: Zoning permits may be extended for up to an additional two years after public hearing review by the Zoning Administrator in compliance with the procedures described in the Zoning Ordinance. An application for extension must be filed with the Planning Division of the Community Development Department, including appropriate fees, prior to the original expiration date of the permit.

NOTE: Zoning permits may be modified or revoked after public hearing review by the Zoning Administrator, in compliance with the procedures described in the Zoning Ordinance.

NOTE: As required by California Government Code Section 66020, the applicant is hereby notified that the 90-day period has begun as of the date of approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of this approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or the adopted City fee schedule.

GERRY BEAUDIN, ZONING ADMINISTRATOR

GB/SP/7/FDG
260-14-PCZA